

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2434

Introduced by Assembly Member Hernandez

February 19, 2010

An act to amend Section 52240 of, and to add Section 52245 to, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2434, as amended, Hernandez. Advanced placement program.

(1) Existing law contains legislative findings and declarations stating that advanced placement courses, among other things, help to improve the overall curriculum at schools where they are provided and provide a cost-effective means for high school pupils to obtain college-level coursework experience. Existing law states the intent of the Legislature to provide financial assistance to economically disadvantaged pupils for the payment of advanced placement examination fees.

This bill would require, *commencing with the 2012–13 school year*, school districts maintaining any of grades 9 to 12, inclusive, to offer advanced placement courses in science and mathematics at each high school that did not offer any advanced placement courses during the 2011–12 school year, thereby imposing a state-mandated local program. The bill would ~~state the intent of the Legislature that~~, *exempt a school district from this requirement* if an advanced placement teacher is not available or if fewer than 10 pupils would be enrolled in any given advanced placement course, ~~and would state the intent of the Legislature that the~~ school district consider alternative means of

providing advanced placement courses. The bill would authorize these alternative means to include high-quality online advanced placement courses that meet specified requirements. The bill also would make technical, nonsubstantive changes in the *existing* provision of legislative intent described above.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52240 of the Education Code is amended
2 to read:
3 52240. (a) The Legislature hereby finds and declares all of the
4 following:
5 (1) Advanced placement courses, for which school credit is
6 awarded, provide rigorous academic coursework opportunities for
7 high school pupils and help to improve the overall curriculum at
8 schools where those courses are provided.
9 (2) The successful completion of advanced placement courses
10 and the subsequent advanced placement examinations, which are
11 conducted by the College Entrance Examination Board and for
12 which college credit is awarded, provide a cost-effective means
13 for high school pupils to obtain college-level coursework
14 experience.
15 (3) To the extent that economically disadvantaged pupils are
16 provided financial assistance to take advanced placement
17 examinations, they will be provided with successful college-level
18 experience and be encouraged to pursue postsecondary education
19 opportunities.
20 (b) It is the intent of the Legislature, therefore, that certain state
21 funding that currently is provided to school districts be made
22 available to provide financial assistance to economically
23 disadvantaged pupils for the payment of advanced placement

examination fees. It is further the intent of the Legislature that a competitive grant program also be established for the purpose of awarding grants to economically disadvantaged pupils to cover the costs of advanced placement examination fees, thereby creating a second source of financial assistance for economically disadvantaged pupils taking advanced placement examinations.

SEC. 2. Section 52245 is added to the Education Code, to read:

52245. (a) Commencing with the 2012–13 school year, a school district maintaining any of grades 9 to 12, inclusive, shall offer advanced placement courses in each of the following areas of study *mathematics and science* at each high school in the district that did not offer any advanced placement courses during the 2011–12 school year:

(1) ~~Mathematics.~~

(2) ~~Science.~~ *except that a school district shall be exempt from this requirement if it does not have an advanced placement teacher available or it has less than 10 pupils who would be enrolled in an advanced placement course at a particular school.*

(b) If an advanced placement teacher is not available or if fewer than 10 pupils would be enrolled in any given advanced placement course, it is the intent of the Legislature that school districts consider alternative means of providing advanced placement courses. Alternative means may include, but are not limited to, high-quality online advanced placement courses *and may include offering an online course to pupils through a contract with another school district. The terms of the contract shall be determined by mutual agreement of the school districts. A school district that provides online advanced placement courses pursuant to a contract shall contract directly with the other school district and shall not enter into direct contracts with the pupils of the other school district.*

(c) For purposes of this section, ~~a high-quality~~ “*high-quality online advanced placement-course course*” means a course that meets all of the following requirements:

(1) The course is approved by the governing board of the school district, and is certified through board resolution, to meet the requirements of this section.

(2) The course contains identical subject matter to, and has the same test schedule as, the classroom-based course.

1 (3) The course is offered by a high school. ~~A school district~~
2 ~~offering an online course may contract with another school district~~
3 ~~to provide the online course also to pupils of the other school~~
4 ~~district. Contract terms shall be determined by mutual agreement~~
5 ~~of the school districts. A school district that provides online~~
6 ~~advanced placement courses pursuant to the contract shall contract~~
7 ~~directly with the other school district and shall not enter into direct~~
8 ~~contracts with the pupils of the other school district.~~

9 (4) The course is taught by an instructor who meets the
10 following requirements:

11 (A) The instructor is accessible to the pupil on a daily basis to
12 respond to pupil queries, assign tasks, and dispense information;
13 ~~though the instructor's interaction with the pupil may be~~
14 ~~asynchronous in nature..~~

15 (B) The instructor holds the appropriate subject matter
16 credential.

17 (C) The instructor concurrently teaches the same course to pupils
18 in a classroom-based setting in the school district, or did so at any
19 time within the immediately preceding two-year period.

20 (d) For purposes of online advanced placement courses offered
21 pursuant to subdivision (b), all of the following shall apply:

22 (1) For each participating school, the ratio of full-time equivalent
23 certificated teachers to pupils shall be substantially equivalent for
24 online advanced placement courses and classroom-based advanced
25 placement courses.

26 (2) Statewide testing results for online advanced placement
27 pupils shall be reported to the school district in which the pupil is
28 enrolled for classroom-based courses.

29 (3) The school district of a schoolsite that offers online advanced
30 placement courses pursuant to this section shall verify that pupils
31 take examinations by proctor or that other reliable methods are
32 used to ensure test integrity.

33 (4) The school district of a schoolsite that offers online advanced
34 placement courses pursuant to this section shall ensure that the
35 same methods of documentation and assessment used to record
36 pupil work for classroom-based courses are used for online courses.

37 (5) The school district of a schoolsite that offers online advanced
38 placement courses pursuant to this section shall maintain records
39 to verify the time that pupils and instructors spend online and
40 involved in course-related activities.

1 (6) A pupil shall not be assigned to an online ~~course~~ ~~advanced~~
2 ~~placement~~ *advanced placement course* pursuant to this section
3 unless he or she voluntarily elects to participate. Prior to
4 participation, the pupil's parent or guardian shall provide written
5 consent.

6 SEC. 3. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.